

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

TIMOTHY MOREY,

Plaintiff,

-against-

BABE RUTH LEAGUE, INC., GREAT KILLS BABE
RUTH LEAGE, ANTHONY SAGONA, ABC
CORPORATIONS 1-10, AND JOHN DOES 1-10.

Defendants.

Index No.

SUMMONS

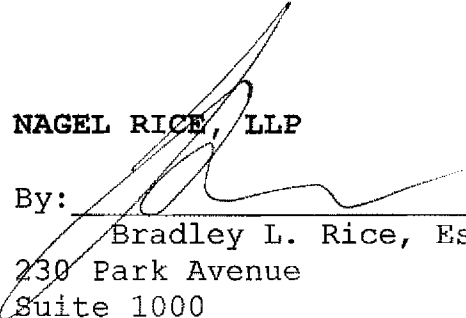
TO the above named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on the *Plaintiff* within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete is this summons is not personally delivered to you within the state of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the Complaint.

Richmond County is designated as the place for trial. The basis for venue is that the torts underlying this action occurred in Richmond County.

Dated: Roseland, New Jersey
September 9, 2019

NAGEL RICE, LLP

By: 
Bradley L. Rice, Esq.
230 Park Avenue
Suite 1000
New York, New York 10029
Phone: (212) 551-1465

103 Eisenhower Parkway
Roseland, New Jersey 07069
Phone: (973) 618-0400
(Please respond to the NJ
Office)
*Attorneys for Plaintiff
Timothy Morey.*

TO: BABE RUTH LEAGUE, INC.
1670 Whitehorse-Mercerville Rd.
Hamilton, New Jersey 08619

GREAT KILLS BABE RUTH LEAGUE
11 Fieldway Avenue
Staten Island, New York 10308

ANTHONY SAGONA
114 Picadilly Dr.
Morganville, New Jersey

SUPREME COURT OF THE STATE OF NEW YORK
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TIMOTHY MOREY,

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-against-

BABE RUTH LEAGUE, INC., GREAT
KILLS BABE RUTH LEAGUE, ANTHONY
SAGONA, ABC CORPORATIONS 1-10,
AND JOHN DOES 1-10.

Defendants.

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COMPLAINT & JURY DEMAND

Plaintiff, Timothy Morey, by and through his attorneys, Nagel Rice LLP, hereby states as and for his complaint against the defendants the following:

INTRODUCTION

1. This action arises out of the sexual molestation of Plaintiff, Timothy Morey, by defendant Anthony Sagona, while Mr. Morey was a participant in Babe Ruth league baseball in Staten Island. In or around the age of fifteen and sixteen, plaintiff was sexually molested and abused by Mr. Sagona, who at all relevant times, served as a coach and executive for the Great Kills Babe Ruth League. Mr. Morey brings this action against the defendants for compensatory and punitive damages as a result of the defendants' acts and omissions.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to CPLR § 301 because the Defendants either reside or conduct business in the State of New York. Alternatively, this Court has jurisdiction pursuant to CPLR § 302 because the tortious acts alleged herein took place within the State of New York, County of Richmond.

3. Venue is proper in this Court under CPLR § 503(a) because a substantial part of the events and omissions that give rise to this claim occurred in Richmond County.

PARTIES

4. Plaintiff Timothy Morey ("Plaintiff" or "Morey") is an individual with a principal address of 401 Holly Berry Lane, Holly Springs, North Carolina.

5. Defendant Babe Ruth League, Inc. ("Babe Ruth") is a not-for-profit New Jersey corporation with a principal business address of 1670 Whitehorse-Mercerville Rd., Hamilton, New Jersey 08619. Babe Ruth is an international youth baseball and softball league that supervises over one million youth participants between the ages of four through eighteen, in over 60,000 individual teams in more than 11,000 individual leagues. Babe Ruth was created to permit boys ages 13-15 to continue playing baseball after the end of their little league careers. Babe Ruth issues charters to individual leagues and, upon information and belief, requires each

chartered league to abide by and comply with Babe Ruth's policies and procedures. Upon information and belief, Babe Ruth collects payments from each local league to support the general mission and goals of Babe Ruth League baseball.

6. Defendant Great Kills Babe Ruth League ("Great Kills") is a non-profit New York entity with a last known address of 11 Fieldway Avenue, Staten Island, New York 10308. Upon information and belief, Great Kills is a chartered Babe Ruth league and acts under the authority, policies, and procedures of Babe Ruth.

7. At all relevant times, Defendant Anthony Sagona ("Sagona") is an individual with a last known address, upon information and belief, of 114 Picadilly Dr., Morganville, New Jersey. During all relevant times, Sagona served as a volunteer baseball coach with Babe Ruth and Great Kills and a member of the board of directors for Great Kills.

8. At all relevant times, defendants ABC Corporations 1-10 (said names being fictitious, true identities presently unknown) are corporations, or other entities whose identifies are presently unknown, but who may through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

9. At all relevant times, defendants John Does 1-10 (said names being fictitious, true identities presently unknown) are individuals whose identifies are presently unknown, but who may

through discovery be found to be liable in whole or in part for all allegations contained in this Complaint.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

10. During the 1970s, Sagona volunteered as a baseball coach for the Great Kills where he also served on the Great Kills board of directors. In his role as coach, Sagano acted as a parent and/or guardian for all of the children he was supervising.

11. When entering the Babe Ruth league at age thirteen, the participants in the Great Kills league were placed on either a basic league team, which was for all participants, or select players could be named to the "upper league", which consisted of those players the coaches believed contained considerable skill.

12. Mr. Sagona was the coach of the upper league team in or around 1972-1977.

13. As coach, Mr. Sagona would often select individual players for "special projects." These projects were presented as unique opportunities for the players to receive special training and attention from Coach Sagona.

14. All players on the upper league viewed the special projects as an honor and strove to be selected for such projects as it meant that the Coach believed the children were skilled baseball players.

15. Upon information and belief, other coaches, executives, and officers of Great Kills were aware of Coach Sagona's "special

projects" and the one-on-one attention he gave to select members of his team.

16. In addition, upon information and belief, teammates of Morey, parents of the team members, and coaches, executives, and officers of Great Kills witnessed Sagona inappropriately touch other children on various teams coached by Mr. Sagona.

17. In or around the age of fourteen, in 1975, before Morey joined Sagona's team, Sagona singled Morey out during practices and games in which Morey's team would play the team coached by Sagona. During these sessions, Sagona would touch Morey's leg.

18. In the following years, Sagona continued to inappropriately touch Morey during team activities.

19. Because Morey excelled at baseball, in 1976, Sagona choose Morey to join the "upper" league team. Morey viewed his selection as an achievement as Sagona had a reputation in Staten Island for only coaching the most skilled players.

20. While Morey played on Sagona's team, Sagona continued to touch Morey's leg and other body parts during practices and games.

21. On information and belief, on one instance in 1976, Sagona invited Morey over to his home so that Morey could retrieve his uniform. Unbeknownst to Morey, on information and belief, retrieving a uniform from a coach's personal home was not a typical practice within Great Kills or Babe Ruth as uniforms were typically distributed during practices at the Great Kills baseball fields.

22. When Morey arrived at Sagona's home, Sagona brought Morey to his basement where he then coerced and/or manipulated Morey to perform oral sex on Sagona. Following the completion of the sexual act, Sagona gave Morey \$100.00 without any statement.

23. Then, in 1977, Morey was again forced by Sagona to perform two additional acts of oral sex.

24. During the time period Morey was abused, upon information and belief, volunteers, directors, and coaches within Great Kills and Babe Ruth were aware of the amount of alone time Sagona spent with Morey and other children selected for special projects.

COUNT I
NEGLIGENCE
(Against Babe Ruth and Great Kills)

25. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

26. Defendants Babe Ruth and Great Kills owed Plaintiff a duty to use reasonable care to ensure the safety and well-being of each youth who attended and/or participated in sports programs managed, controlled, supervised or operated by these defendants.

27. Upon information and belief, defendants Babe Ruth and Great Kills had or should have had actual and/or constructive knowledge that Sagona was a sexual predator and was sexually abusing Morey.

28. Defendants Babe Ruth and Great Kills took no steps to prevent or stop Sagona's abuse of Morey.

29. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendants Babe Ruth and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT II
NEGLIGENT HIRING, SUPERVISION, AND RETENTION
(Against Babe Ruth and Great Kills)

30. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

31. At all relevant times Sagona was a coach and executive in Great Kills, approved and authorized by the Babe Ruth and Great Kill to supervise, mentor, and care for teenage males.

32. The positions for which Sagona was retained required him to work closely with, mentor, and counsel, young boys.

33. At all relevant times, Defendants Babe Ruth and Great Kills had the duty to hire, properly train, oversee, and supervise Sagona.

34. Defendants Babe Ruth and Great Kills breached the aforesaid duty, and their actions and inactions damage Plaintiff.

35. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendants Babe Ruth and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT III

**FAILURE TO WARN AND IMPLEMENT ADEQUATE CHILD SEX ABUSE POLICIES
(Against Babe Ruth and Great Kills)**

36. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

37. At all times relevant the defendants Babe Ruth and Great Kills failed to exercise reasonable care and failed to take reasonable precautions for the safety and well-being of the participants in Babe Ruth baseball, including, but not limited to Morey.

38. At all times relevant the defendants Babe Ruth and Great Kills failed to enact and/or enforce adequate written and/or verbal policies, procedures, and regulations to educate, identify,

prevent, and stop child sexual abuse from occurring to the children under the defendants' care.

39. Defendants Babe Ruth and Great Kills were negligent and breached the aforesaid duties, and their actions and inactions were unreasonable.

40. Defendants Babe Ruth's and Great Kills' actions and inactions, including but not limited to their failure to take appropriate remedial action to prevent and/or address the aforesaid conduct, failure to have an appropriate written procedure to prevent and/or address said conduct, and failure to propound and disseminate policies to educate, identify, prevent, and stop child sexual abuse from occurring, were negligent, improper and careless.

41. As a direct and proximate result of the negligence and carelessness of the defendants Babe Ruth and Great Kills, John Does 1-10 and ABC Entities 1-10, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendants Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT IV
RESPONDEAT SUPERIOR
(Against Babe Ruth and Great Kills)

42. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

43. In or around the age of thirteen, Sagona sexually molested Morey while Sagona was a coach and executive of Great Kills.

44. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's roles at Great Kill to gain the trust of the children under his care, including Morey.

45. Sagona used his positions with Great Kills and Babe Ruth, and the power vested in him by Great Kill and Babe Ruth, to gain Morey's trust and confidence and to create opportunities to be alone with and abuse Morey.

46. The Babe Ruth and Great Kill are liable for Sagona's sexual abuse of Morey under the doctrine of *respondeat superior*.

47. As a direct and proximate result, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendants Babe Ruth, and Great Kills, jointly and severally, or in the alternative for damages, punitive damages, interest, costs

of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT V
ASSAULT AND BATTERY
(Against Sagona)

48. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

49. Sagona's sexual abuse of Morey when Morey was a minor was extreme, intentional and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

50. Sagona's sexually abusive conduct against Morey constitutes an intentional, unwarranted physical touching and intrusion into Morey's personal space, his physical well-being, and psychological state.

51. As a direct and proximate result of the intentional conduct of Sagona, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Sagona)

52. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

53. Sagona's sexual abuse of Morey when Morey was a minor was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

54. At the time Sagona sexually abused and molested Morey, which Sagona knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress.

55. As a direct and proximate result of the intentional conduct of Sagona, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendant Sagona, or in the alternative for damages, punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

COUNT VII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against All Defendants)

56. Plaintiff repeats and restates the allegations of all the preceding paragraphs as if set forth at length herein.

57. All Defendants owed a duty to Morey, by virtue of his status as a minor and participant in the baseball leagues

organized, sponsored, supervised, and or run by defendants Babe Ruth and/or Great Kills.

58. It was part of Mr. Sagona's role as a coach to serve as a mentor, role model, and counselor to the children under his care. It was also part of Mr. Sagona's role Great Kills to gain the trust of the children under his care, including Morey.

59. Sagona used his positions with Great Kills and Babe Ruth, and the power vested in him by Great Kills and Babe Ruth, to gain Morey's trust and confidence and to create opportunities to be alone with and abuse Morey.

60. Sagona breached his duty to Morey by sexually abusing Morey.

61. Defendants Babe Ruth and Great Kills breached their duties to Morey through their negligent retention, supervision, failure to warn, and other actions and inactions that permitted Sagona to abuse Morey.

62. As a direct and proximate result of the negligent conduct of the defendants Babe Ruth, Great Kills, Sagona, John Does 1-10 and ABC Entities 1-10, Morey sustained severe and permanent injuries, including but not limited to pain, suffering, emotional and psychological trauma and humiliation.

WHEREFORE, Plaintiff Morey demands judgment against defendants Babe Ruth,, Great Kills, and Sagona jointly and severally, or in the alternative for damages, punitive damages,

interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

JURY DEMAND

63. Plaintiff demands a trial by jury of all issues.

Dated: Roseland, New Jersey
September 9, 2019

NAGEL RICE, LLP

By: 

Bradley L. Rice, Esq.

230 Park Avenue

Suite 1000

New York, New York 10029

Phone: (212) 551-1465

103 Eisenhower Parkway

Roseland, New Jersey 07069

Phone: (973) 618-0400

(Please respond to the NJ
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Attorneys for Plaintiff

Timothy Morey.